

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE
HALL, ON WEDNESDAY, APRIL 4, 2001.**

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins

Also Present: Walter Montgomery, Secretary
Lino J. Sciarretta, Village Counsel
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Applicants and other persons mentioned in these Minutes
Members of the Public.

IPB Matters

Considered:

- 94-03 – Westwood Development Associates, Inc.**
Sht.10,P25J2,25K2,Sht.10C,Bl.226,Lots 25A,26A
Sht. 11, P25,P25J
- 98-44 - Ciccio & Chernick**
Sht. 10C, Bl. 226, Lot 25
- 00-19 - Northwest Neu Corp.**
Sht. 10C, Bl. 229, Lot 3A
- 00-28 - Bridge Street Properties, LLC**
Sht. 3, P-103
- 00-30 – Eileen Fisher**
Sht. 2, P-10P6,109P9,109R3A
- 00-40 – Astor Street Associates**
Sht. 7, Portion of P-25000
- 01-01 – Richard & Margaret Wood**
Sht. 12B, Lot 63
- 01-09 – Lawrence Ecker**
Sht. 7A, Bl. 235, Lot 5
- 01-11 – Jeffrey & Tracy Halpern**
Sht. 10, P-100
- 01-12 – Henry & Georgia Higbie**
4 Hudson Road East
- 01-13 – Tobie Stanger**
Sht. 10D, Bl. 241, Lot 2,3
- 01-14 – Glen & Nancy Turett**
Sht. 12B, Lot 41
- 01-15 – Daniel Lynch**
Sht. 12A, P-1A2
- 01-16 – Joseph & Denise Ciccio**
Sht. 10C, Bl 226, Lot 55B
- 01-17 – Charles & Deborah Flock**
Sht. 7B, Bl. 249, Lot 2
- 01-18 – Rudolph & Goldsmith Resubdivision/Lot Line Change**
Sht. 12A, P-1A1 (Informal Discussion)

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

1. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.
2. The Chairman introduced and welcomed Walter Montgomery, who has been appointed to the Board, and will become Secretary in keeping with Board practice.
3. The Chairman noted that the Subdivision Regulations of the Village (Chapter 207 of the Village Code) require that the In Lieu Fee which is payable pursuant to Section 207-20 of the Subdivision Regulations by a subdivider who is required to dedicate to the village less than a Proportionate Recreation Share in order to meet New Development Park Demand is to escalate every January 1 based on the change in the US Dept. of Labor, Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W) U.S. City average, all items. Because the index is prepared on a monthly basis, rather than a daily basis, the Board determined that it would be appropriate to continue its past practice of using the index in December as a benchmark for the index as of January 1st of each year, rather than to use the January index, and to use the index unadjusted for seasonal variation.

The index in December 1988 was 355.0 (1967 = 100). The index in December 2000 was 508.5. The Board then calculated the In Lieu Fee applicable to the calendar year 2001 as follows:

CPI December 2000 = 508.5

CPI December 1988 = 355.0
153.5

153.5/355.0 = 43239, for a 43.239% increase.

$\$6,000 \times 43.239\% = \$2,594.343 + \$6,000 = \$8,594.34$

On motion duly made, seconded, and unanimously carried, the Board decided to round the result of the calculation and determined the In Lieu Fee applicable to calendar year 2000 to be \$8,594.00.

IPB Matter #01-09:

**Application of Lawrence Ecker for Site
Development Plan Approval for property at
Barney Park.**

The Applicant appeared for himself. The Application relates to a proposed construction of a single family residence on a vacant lot in Barney Park. The Board indicated that the issue of the deed restriction should be resolved prior to the Board's consideration of the application, it took no other position on the Application. At the

request of the Applicant, the matter will be kept on the agenda for the Board's May meeting.

IPB Matter #01-13:

Application of Tobie Stanger for Waiver of Site Development Plan Approval for property at 1 Greyrock Terrace.

Jim Dunn appeared for the Application. The application is for the replacement of an existing wooden deck and the creation of a second, lower-level deck. Plans entitled Proposed Deck Stanger Residence, 1 Greyrock Terrace, dated March 12, 2001, Prepared by John Annunziata, P.E. were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and determined that the application is for a proposed action which is a Type II Action under SEQRA. There were no comments from the public or Mr. Mastromonaco

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that 1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, 2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and 3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #01-14:

Application of Glen & Nancy Turett for Site Development Plan Approval for property at 30 North Brook Lane.

Craig Studer and Tim Lener appeared on behalf of the application. The application relates to a residential garage addition and renovation at 30 North Brook Lane. Plans entitled Turett Residence, Specifications and Details, Prepared by Studer Design Associates Architects, dated March 15, 2001, Sheets 1 and 2, were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan approval. There were no comments from the public or Mr. Mastromonaco. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #01-15:

Application of Daniel J. Lynch for Site Development Plan Approval for property at 400 Cyrus Field Road.

Justin Minieri, Architect, appeared for the Applicant. The application is for a residential project at 400 Cyrus Field Road, involving a first-floor renovation and construction of a second floor addition. Plans submitted were: Lynch Residence, 400 Cyrus Field Road, Prepared by Justin F. Minieri, RA Architects, 18 sheets, dated March 16, 2001.

No action was taken on this application due to the need to confirm that notice had been properly given to all affected property owners. The Board otherwise considered the application to be complete, and scheduled a Public Hearing for Site Plan Approval (due to the property's location on Cyrus Field Road) for the May meeting subject to correction of noticing).

IPB Matter #01-17:

Application of Deborah & Charles Flock for Site Development Plan Approval for property at 42-44 West Clinton Avenue.

Donna Gutkin, Landscape Architect, appeared for the Applicant. The application is for the construction of a half court basketball court, 32 ft. x 50 ft. Plans entitled Proposed Site Improvements for the Flock Residence, 44 West Clinton Avenue, Prepared

by Donna Gutkin, Landscape Architect, including Layout Plan and Planting Plan dated March 26, 2001 were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval, and determined that the application is for a proposed action which is a Type II action under SEQRA. The Applicant agreed that there would be no exterior lighting. The Board noted that a variance might be needed due to the proposed court being located between the principal structure on the site and the road. There was no additional comment from the public or Mr. Mastromonaco.

After discussion and subject to Zoning Board of Appeals approval, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that 1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, 2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval ;may cause extraordinary or unnecessary hardship; and 3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or any of said Map, Plan or Ordinance, **Now, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application subject to a variance from the Zoning Board of Appeals..

IPB Matter #01-11:

**Application of Jeffrey & Tracy Halpern for
Site Development Plan Approval for property at
20 Strawberry Lane.**

Craig Studer appeared for the Applicant. This application, carried over from the March meeting pertains to a three-phase construction project at 20 Strawberry Lane. Phase 1, for which the applicant is currently seeking approval, is the construction of a structural slab terrace and retaining walls. Later phases will involve the construction of a detached two-car garage and a conservatory and patio, although no action or consideration was given to these items by the Board. Plans entitled Halpern Residence, Prepared by Studer Design Associates dated February 1, 2001, dated February 1, 2001 last revised March 20, 2001, 2 sheets, were submitted. There were no comments from the public or Mr. Mastromonaco.

The Chairman, with the agreement of the Board, stated that the application would be treated as a request for Waiver of Site Development Plan Approval, and that the application is for a proposed Type II Action under SEQRA. On motion duly made, seconded and unanimously approved, the Board adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that 1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, 2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and 3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #01-12:

**Application of Henry & Georgia Higbie for
Site Development Plan Approval for property
At 4 Hudson Road East.**

Lanny Lerner and James E. Miller of Miller & Lerner Architect appeared for the Applicant. The application involves a proposed addition to a residence at 4 Hudson Road East. The applicant submitted a revised site plan (Higbie Residence, Additions and Alterations, dated March 20, 2001, Prepared by Miller and Lerner Architects, LLP, revised March 29, 2001) after the initial hearing in March, in response to comments by Mr. Mastromonaco.

The Chairman, with the agreement of the Board, stated that the application would be treated as a request for Waiver of Site Development Plan Approval, and that the application is for a proposed Type II Action under SEQRA. There were no comments from the public or Mr. Mastromonaco. On motion duly made, seconded and unanimously approved, the Board adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that 1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require

strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for final subdivision approval for property at Riverview Road.

Norman Sheer, Esq., appeared for the Applicant. The Board convened a public hearing on the proposed two-lot subdivision at Riverview Road.

Mr. Mastromonaco's list of fifteen items, as outlined in a memo of April 14, 2001 was the focus of discussion. The Chairman noted that most of the issues are engineering ones. The Chairman also pointed out that the access, drainage and other issues associated with this matter are of particular concern because the upper section of Riverview Road has been completed without the approval of an earlier Planning Board.

The Chairman closed the Public Hearing. The Board adopted and signed the Resolution of Final Subdivision Approval (see attached), although it and the Applicant further agreed to defer the signing of the Plat until all engineering issues had been satisfactorily resolved.

IPB Matter #01-16:

Application of Joseph & Denise Ciccio for Site Development Plan Approval for property at Riverview Road.

Craig Studer appeared for the Applicant. The Application is for Site Plan Approval in conjunction with the construction of a new single family, 2-story residence on the first of the two lots in the proposed Ciccio and Chernick subdivision (see IPB Matter #98-44 above). The Board indicated that it would take no action on this matter until all outstanding engineering issues had been resolved with regard to the subdivision. The Board did, however, allow the Applicant to make a preliminary presentation, and begin to address questions raised by the Board and Mr. Mastromonaco.

To address the issues raised in Mr. Mastromonaco's memo of April 4, 2001 the Board determined that a site walk was necessary and scheduled it for April 21, 2001 at 9:30 a.m. The Chairman noted that the site walk would include a check of the Neubauer property (Northwest Neu) as well.

The Chairman indicated that a public hearing on the Ciccio application would be held at the May monthly meeting.

IPB Matter #00-19:

Application of Northwest Neu for a revised Site Plan for property at Riverview Road.

John Neubauer appeared for the Application. The application pertains to a revision to Site Development Plan Approval granted at the Board's October 4, 2000 meeting. The revision is the coverage of the home on the parcel which has increased by 16 square feet. In addition, a deck was not included on the original submission, further increasing the coverage to 4,810.33 sq. ft. (within the allowable 5,719 sq. ft). Plan entitled Site Plan, Prepared by Anthony Pisarri, Consulting Engineer, revised March 9, 2001 was submitted.

The Chairman noted that the plan indicated continued reliance on a septic system, the Applicant indicated that the plan was to be modified to allow connection to the same sewer line to serve the Ciccio and Chernick subdivision. The Chairman, with the Board's concurrence, indicated that the necessary changes to the plan (regarding the sewer) should be made prior to consideration by the Board and that any approvals would be subject to conditions similar to those found in the Ciccio and Chernick resolution. The Application was carried over to the May meeting.

The Board voted unanimously to continue the application and suggested that the applicant return in May with a modified plan addressing sewer, grading and other issues.

IPB Matter #00-30:

Application of Eileen Fisher for Site Development Plan Approval for property at 44 Matthiessen Park.

Earl Ferguson appeared for the Applicant. This matter is a continuation of the Board's consideration of a resubmitted application and revised plans for demolition of an existing residence and construction of a new residence at 44 Matthiessen Park.

Mr. Steven Silverberg, representing Eileen Fisher, recounted a history of the property in support of the argument that the Fisher property could make use of existing easements for access. He provided documentation to be reviewed by Village Counsel.

The Chairman, with the Board's concurrence, indicated that the Application was sufficiently complete to hold a Public Hearing on the matter at the May meeting.

IPB Matter #01-18:

Informal Discussion of Rudolph & Goldsmith for Resubdivision/Lot Line Change for property at 56 Manor Pond Lane and Goldsmith property.

This relates to a request that the Planning Board confirm a re-subdivision and lot-line change between two adjoining parcels. The Rudolph property is at 56 Manor Pond

Lane; and the Goldsmith parcel is a portion of Sheet 12A, 1A-1, immediately to the south of the Rudolph property.

The Chairman noted the need to extend the existing easement on the west side of the property into the section that was formerly the Goldsmith property, and to provide details regarding the sufficiency of yard setbacks to improvements on both properties. The Applicant indicated that the purpose of the lot line change was to allow for the construction of a pool in the rear yard. It was determined that this would also require site development plan approval, and that the application should be modified to address both matters. The application was carried over to May.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

The Application was carried over to a Special Meeting to be held April 25, 2001.

IPB Matter #00-28:

Application of Bridge Street Properties, LLC for Site Development Plan Approval for property at One Bridge Street.

The Application was carried over to the May 2, 2001 meeting.

IPB Matter #00-40:

Application of Astor Street Associates, LLC for Site Development Plan Approval for property at Astor Street.

The Application was carried over to the May meeting.

IPB Matter #01-01:

Application of Richard & Margaret Wood for Amendment of Site Development Plan Approval for property at 7 Manor Pond Lane

The Applicant did not appear and this matter was carried over.

The Board then considered the following administrative matters:

- The Special Meeting for Westwood was scheduled for April 25, 2001.
- The next regular meeting of the Planning Board was scheduled for May 2, 2001.
- The Minutes of January 17, 2001, February 7, 2001, and February 27, 2001 were approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Walter Montgomery, Secretary